

00684.002935

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Toshiyuki YOSHIHARA)
Appln. No.: 09/438,491)
Filed: November 12, 1999)
For: ABERRATION CORRECTING)
OPTICAL SYSTEM)

Examiner: Jordan M. Schwartz
Group Art Unit: 2873
Allowed: September 22, 2004
Confirmation No. 9399
November 19, 2004

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OFFICE OF PETITIONS

Attn.: Petitions Attorney Frances Hicks ((571) 272-3218)

Office of Petitions

Madison Building (West), 600 Dulany Street

Mail Stop 313(c)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW APPLICATION FROM ISSUE
UNDER 37 C.F.R. § 1.313(c)(2)

Sir:

The issue fee having been paid on October 5, 2004, pursuant to 37 C.F.R.

§ 1.313(c)(2), Applicant respectfully petitions the Commissioner to withdraw the

above-referenced application from issue for consideration of the Request for Continued

Examination (RCE) attached hereto that requests entry, as submissions under 37 C.F.R. § 1.114,

of (a) the attached Second Information Disclosure Statement, which has not been considered by

the Examiner and cites documents not of record, and (b) the attached Preliminary Amendment.

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EXPEDITED HANDLING REQUESTED

Applicant understands that no issue date has been set; nonetheless, expedited handling of this Petition is respectfully requested.

FORMAL MATTERS: AUTHORIZATION TO CHARGE PETITION FEE

The Commissioner is authorized to charge the \$130.00 Petition fee, the \$790.00 RCE fee, and any other fees necessitated by these papers to Deposit Account No. 06-1205. A duplicate of this paper is attached for this purpose.

REQUEST FOR INTERVIEW

If any questions remain, Applicant respectfully requests that the Office of Petitions contact Applicant's undersigned representative at (202) 530-1010.

CONCLUSION

It is requested that the present application be withdrawn from issue for consideration of the RCE and its submissions, the Second Information Disclosure Statement and the Preliminary Amendment. Favorable consideration hereof is earnestly solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in cursive script, reading "Daniel Glueck", is positioned above a horizontal line.

Attorney for Applicant
Daniel S. Glueck
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

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Attorney for Applicant
Daniel S. Glueck
Registration No. 37,838

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